IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7079 OF 2006

Ramshet Ramavadh Yadav. .. Petitioner.

vs.

Abhyudaya Cooperative Bank Ltd.,

& Ors. . .. Respondents.

Mr. V.V. Pai for petitioner.

Mr. V.C. Ghosalkar for Respondent Nos. 1 & 2.

CORAM : A.P. DESHPANDE, J.

DATE : 6th November, 2006.

P.C.

. The petitioner is a guarantor to a loan advanced to his real brother. The respondent bank has obtained a certificate under Section 101 of the Co-operative Societies Act. In execution of the said certificate the petitioner's salary has been attached. Aggrieved thereby, the petitioner questions the legality and validity of the certificate issued by the Asstt. Registrar under Section 101 of the Cooperative Societies Act so also challenges the correctness of the consequential order of attachment of salary. The learned counsel for respondent no. 1 Bank objects to the

maintainability of this petition on the ground that the certificate issued under section 101 can be challenged by filing a revision under section 154 of the Co-operative Societies Act which, inter alia, provides for deposit of 50% of the amount covered by the certificate. The grievance made by the petitioner in this petition is also in regard to non-supply of the statement of account by the Bank to the petitioner despite repeated demands. The learned counsel appearing for the Bank submits that the Bank will furnish a certified extract of the accounts to the petitioner within one week from today. In view of this statement, the grievance in that regard stands redressed.

2. The petition is not maintainable as there is an efficacious alternative remedy available to the petitioner in the form of the revision under section 154 of the Co-operative Societies Act. Hence, the writ petition is summarily rejected.

(A.P. Deshpande, J.)